IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929

WP(C).No. 21542 of 2007(M)

PETITIONER:

NIYAS HASSAN, MANJALIVALAPPIL,
ASHTAMICHIRA, THRISSUR DISTRICT.

BY ADV. SRI.P.SREEKUMAR
SRI.K.S.MANU (PUNUKKONNOOR)

RESPONDENTS:

---

1. DIRECTOR OF AGRICULTURE,
THIRUVANANTHAPURAM.

2. ASSISTANT DIRECTOR OF AGRICULTURE,
MALA P.O., VADAMA, THRISSUR.

3. THE PRINCIPAL AGRICULTURAL OFFICER,
THRISSUR.

BY GOVERNMENT PLEADER SRI. I.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C) NO.21542 OF 2007

Dated this the 10th day of August, 2007

J U D G M E N T

The petitioner complains that rent arrears due on building occupied by the respondents is not being paid on the ground that the building belongs to one Hassan. The petitioner submits that on the death of the said Hassan, the petitioner has obtained certificate from the Administrator General under the Administrator General Act, 1963, a copy of which is produced as Ext.P2 and in spite of which the amount is not being paid to him. The petitioner, therefore, seeks the following direction.

> "To issue a writ of mandamus or any other writ or order directing respondents to disburse the amount due to the petitioner as stated in Exhibit P1 along with interest at the rate of 12% 1.7.1996 with out further delay".

2. The learned Government pleader would submit that not even Ext.P2 has been produced before the respondents. In fact his contention is that even during the life time of Hassan, the petitioner wanted the amounts to be paid to him, which was refused. Now even without a legal heirship certificate he wanted the respondents to pay the amounts of rent to him. The learned Government pleader further

points out that the writ petition is filed by one Niyas Hassan, whereas Ext.P2 is issued in favour of one M.H.Niyas and the respondents are not sure whether both these persons are the same.

3. Having heard both sides, I dispose of this writ petition with the following directions.

The petitioner may produce Ext.P2 along with sufficient evidence to prove that the petitioner is the person, named as M.H. Niyas in Ext.P2. If the petitioner is able to satisfy the respondents that the petitioner is the M.H. Niyas mentioned in Ext.P2, the respondents shall pay the rent arrears due in respect of the building in question to the petitioner within a period of one month from the date of such satisfaction.

The writ petition is disposed of as above.

S. SIRI JAGAN, JUDGE

Acd